

IDAHO BARBER AND COSMETOLOGY SERVICES LICENSING BOARD
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 3/1/2021

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BOARD MEMBERS PRESENT: Debra J Thompson - Chair
Merrilyn Cleland
Geneal Thompson
Thomas E Grimsman
Brian Porter
Lindy High

BOARD MEMBERS ABSENT: Wendy Rucker

DIVISION STAFF: Dawn Hall, Section Chief
Julie Eavenson, Licensing Group Manager
Lori Peel, Investigative Unit Manager
Nicholas Krema, General Counsel
Eric Nelson, Board Prosecutor
Cesley Metcalfe, Team Lead
Allegra Earl, Board Specialist
Danielle Martin, Technical Records Specialist I

OTHERS PRESENT: Lance Giles, The Giles Group, LLC
Rosemary Martinez

The meeting was called to order at 8:00 AM MST by Debra J Thompson.

APPROVAL OF MINUTES

Ms. High made a motion to approve the minutes of 12/07/2020, 01/04/2021, and 02/01/2021. It was seconded by Mr. Grimsman. Motion carried.

DISCIPLINE

Ms. Peel presented Stipulation and Consent Orders in case numbers: BCB-2021-33; BCB-2021-42; BCB-2021-61; and BCB-2021-62. Ms. G Thompson made a motion to approve the Consent Orders and allow the Board chair to sign on behalf of the Board. It was seconded by Mr. Grimsman. Motion carried.

Ms. Peel presented Settlement Orders in case numbers: BCB-2021-43/44; BCB-2021-100/101; BCB-2021-118; BCB-2021-124/125; BCB-2021-126/127/128; BCB-2021-129/130; BCB-2021-132/133; and BCB-2021-134/135. Ms. G Thompson made a motion to approve the Consent Orders and allow the Board chair to sign on behalf of the Board. It was seconded by Mr. Grimsman. Motion carried.

EXECUTIVE SESSION

Ms. Cleland made a motion that the Board enter executive session under Idaho Code § 74-206 (1) (f) to discuss pending or imminent litigation with legal counsel. It was seconded by Ms. High. The vote was: Ms. D Thompson, aye; Mr. Grimsman, aye; Ms. Cleland, aye; Ms. G. Thompson, aye; Mr. Porter, aye; and Ms. High. Motion carried.

Ms. Cleland made a motion to come out of executive session. It was seconded by Mr. Porter. Motion carried.

The Board reviewed the Hearing Officer's recommendation in case numbers BCB-2020-174/175. After some discussion, the Board made its recommendations regarding discipline.

LAWS AND RULES

Ms. Hall presented a legislative update. She said that the Board's rules had been approved in both the House and the Senate.

Mr. Grimsman moved the following:

"Pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of rule 24.28.01 is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens.

These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws.

The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules.

The Governor has also found that the fees being imposed are justified and necessary to avoid immediate danger to the Board's budget, to the state budget, to necessary state functions and services, and to avoid immediate danger of a potential violation of Idaho's constitutional requirement that it balance its budget.

Therefore, we are adopting this/these temporary fee rule(s) to be effective upon *sine die* of the 2021 session of the Idaho Legislature. The approval is conditional and will only become effective if the rules are not otherwise approved or rejected by the Legislature and/or not extended pursuant to the Idaho Administrative Procedure Act, including sections 67-5291 and 67-5292, Idaho Code.”

It was seconded by Ms. Cleland. Motion carried.

BOARD BUSINESS

APPLICATION REVIEW PROCESS

Ms. Earl stated that the Board received emails from twenty-two state boards on how they process out-of-country applicants. She said that some states required applicants to have their training evaluated by a 3rd party credentialing company. The majority of states do require the applicants to pass examinations before a license can be issued.

Mr. Grimsman made a motion for a subcommittee to review the endorsement rule. It was seconded by Ms. High. Motion carried.

The Board directed staff to add an agenda item for the next meeting for the Board to create a subcommittee to look at Zero-Based Regulation.

Ms. Earl informed the Board that in December of 2020 the Board approved the school licenses for Nathan Layne Institute of Cosmetology in Twin Falls. In February, the Board received correspondence from the school owner that the school’s accrediting agency, National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS), was requesting that the licenses list the owner of the schools as NL Institute LLC. The Board chair authorized updated licenses to be issued upon receipt of a completed application and required forms.

EXECUTIVE SESSION

Ms. Cleland made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Mr. Grimsman. The vote was: Ms. D Thompson, aye; Mr. Grimsman, aye; Ms. Cleland, aye; Ms. G Thompson, aye; Mr. Porter, aye; and Ms. High. Motion carried

Ms. G Thompson made a motion to come out of executive session. It was seconded by Ms. High. Motion carried.

APPLICATIONS

Ms. Cleland made a motion to approve the following for licensure:

HUYNH HUONG THI	NT-279141
MANNING PATRICK DEMONN	B-279530
MCNEES STACY JEAN	CAPR-279445
NGUYEN TRANG T	NT-279001
STOM JEREMY DUANE	B-279654
TRAN VINH DUC	NT-279068
TRAN TRAN THUY THI	NT-279100

It was seconded by Mr. Grimsman Motion carried.

NEXT MEETING was scheduled for Monday April 5, 2021, at 8:00 AM MDT.

ADJOURNMENT

Ms. Cleland made a motion to adjourn the meeting at 9:52 AM MST. It was seconded by Mr. Grimsman. Motion carried.

Debra J Thompson, Chair